

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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|---------------------------------|----------|----------------------------------|
| IN RE: | § | CASE NO. 11-30382-HCM |
| | § | |
| STEPHEN PATRICK TULLIUS, | § | CHAPTER 13 |
| | § | |
| DEBTOR(S). | § | JUDGE H. CHRISTOPHER MOTT |

MOTION FOR EXPEDITED HEARING

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

COMES NOW La Tierra Interiors, Inc. and La Tierra Interiors Solid Surfaces, LLC, claimants, creditors and parties in interest in the above captioned proceedings (hereinafter referred to as “La Tierra”), and hereby respectfully file this Motion For Expedited Hearing (hereinafter referred to as “Motion for Expedited Hearing”), pursuant to Bankruptcy Local Rule 9014, seeking an expedited hearing on its Motion to Compel Washington Federal Saving's Compliance With Court Order, And For Sanctions, as described below, and in support thereof would respectfully show the Court as follows:

A. FACTS

1. Contemporaneously with this Motion, La Tierra is filing its Motion to Compel Washington Federal Saving's Compliance With Court Order, And For Sanctions (hereinafter referred to as “Motion to Compel”). By its Motion to Compel, La Tierra seeks an order (a) compelling Washington Federal Savings ("Washington Federal") to fully and immediately comply with subject subpoena, as amended by La Tierra, (b) directing Washington Federal to comply with all future requests under subject subpoena, within two (2) weeks of receipt of any such requests, (c) granting La Tierra all attorneys’ fees and costs incurred, and to be incurred, as

a result of its Motion to Compel, and (d) ordering Washington Federal to absorb all further costs for complying with subject subpoena.

2. La Tierra hereby moves the Court to set an expedited hearing on its Motion to Compel on the Court's August 4, 2011 docket, or on such other date as is convenient for the Court, but no later than August 4, 2011.

B. GROUNDS

3. At a Hearing on June 29, 2011, on Washington Federal's Motion to Quash Subpoena for Rule 2004 Examination, this Court ordered Washington Federal's production and compliance with subject subpoena, upon pre-payment by La Tierra.

4. It now has been nearly three (3) weeks since Counsel for Washington Federal received a business check from the undersigned as La Tierra's pre-payment, but La Tierra has yet to receive a single copy of any of the requested documents.

5. La Tierra requires the subpoenaed documents as soon as possible, in view of the upcoming Confirmation Hearing currently scheduled for August 10, 2011.

6. However, Washington Federal refuses to commit to a date certain for any production, even though on July 21, 2011, Counsel for Washington Federal indicated that subject documents had already been copied.

7. Although copies of the subpoenaed documents apparently could have been produced and delivered to La Tierra almost a week ago, La Tierra has received only a vague, uncertain and infirm indication that the documents are on their way, despite La Tierra's written

request for a delivery date certain.

8. Upon information and belief, Washington Federal has been dilatory, uncooperative and belligerent, and in flagrant disregard of this Court's order of June 29, 2011.

9. La Tierra can no longer condone or conceal Washington Federal's intentional mockery of this Court's Order.

C. PRAYER

WHEREFORE, La Tierra moves that the Court grant this Motion for Expedited Hearing, and set an expedited hearing to be held on La Tierra's Motion to Compel on the Court's August 4, 2011 docket, or on such other date as is convenient for the Court, but no later than August 4, 2011.

Date: July 26, 2011.

Respectfully submitted,

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/s/ Michael R. Nevarez
By: MICHAEL R. NEVAREZ
State of Texas Bar No. 14933400
Attorney for La Tierra

CERTIFICATE OF CONFERENCE

Counsel for La Tierra and for Washington Federal were in discussions via email in order to resolve the above matter, but could not reach agreement.

/s/ Michael R. Nevarez

Michael R. Nevarez

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served either by facsimile, or by electronic means as listed on the Court's ECF noticing system, or by regular first class mail, postage prepaid, to the following parties in interest, on or before July 26, 2011:

DEBTOR:

Mr. Stephen Patrick Tullius
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El Paso, TX 79915

DEBTOR'S ATTORNEY:

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TRUSTEE:

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WASHINGTON FEDERAL:

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El Paso, TX 79901-1443

/s/ Michael R. Nevarez

MICHAEL R. NEVAREZ